

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL ARCHULETA,

Plaintiff,

v.

KERN VALLEY STATE PRISON,

Defendant.

No. 1:20-cv-01033-NONE-JLT (PC)

ORDER DISMISSING ACTION FOR
FAILURE TO PAY FILING FEE AND
OBEY A COURT ORDER

Plaintiff Samuel Archuleta is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 2, 2020, the court issued an order denying plaintiff's motion to proceed *in forma pauperis* and dismissing his complaint with leave to amend. (Doc. No. 10.) The court granted plaintiff thirty (30) days to either pay the filing fee in full or to file an amended complaint that attempts to satisfy the imminent-danger exception under 28 U.S.C. § 1915(g). (*Id.* at 2-3.) The court cautioned plaintiff that, "if he fails to elect either option within thirty days, his case may be dismissed without further notice." (*Id.* at 3.) Plaintiff has not paid the filing fee or filed an amended complaint, and the time to do so has passed.

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1 Accordingly,

- 2 1. This action is dismissed without prejudice for plaintiff's failure to pay the filing
3 fee and to obey a court order; and,
4 2. The Clerk of the Court is directed to assign a district judge to this action for the
5 purposes of closure and to close this case.

6
7 IT IS SO ORDERED.

8 Dated: October 21, 2020


UNITED STATES DISTRICT JUDGE